

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ELISHA GILBERT, JR.,

Petitioner

vs.

STATE OF GEORGIA,

Defendants

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NO. 5:12-cv-226 (MTT)

ORDER

On June 27, 2012, the undersigned dismissed Petitioner **ELISHA GILBERT'S** mandamus petition (relating to his conviction of speeding in Dooly County) for a number of reasons, including this Court having no mandamus jurisdiction over state judicial officers. (Doc. 5). The Clerk of Court entered Judgment on June 28, 2012 (Doc. 6). Before the Court is Petitioner's Motion for Reconsideration (Doc. 7), in which he objects to the undersigned's assuming jurisdiction of the case from the Magistrate Judge and to the Clerk's entry of Judgment, which was electronically signed by a deputy clerk. Petitioner also alleges that the Dooly County Superior Court denied his filing of a state mandamus petition, which the Supreme Court of Georgia affirmed, and thus that the Judge and Justice did not act in their judicial capacities.

Petitioner's objections to this Court's dismissal of his petition are all meritless. Although 28 U.S.C. § 636 allows cases to be referred to Magistrate Judges, it by no means requires that the Court do so. Moreover, the Clerk, through his deputy clerk, properly entered judgment pursuant to Rule 58(b)(1) of the Federal Rules of Civil

Procedure. Finally, the specific actions taken by the state courts in no way affects the basic principle that this Court cannot compel state judicial officers to act on Petitioner's behalf. Petitioner's motion for reconsideration is accordingly **DENIED**.

SO ORDERED, this 19th day of July, 2012.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT